

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-4 remain in this application as amended herein, and claims 5-12 are added. Accordingly, claims 1-12 are submitted for the Examiner's reconsideration.

Claims 1-4 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1-4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Terasawa (U.S. Patent No. 6,147,714). Applicant submits that the claims are patentably distinguishable over Terasawa.

The Examiner contends that Terasawa discloses the display controller defined in claim 1 and relies on column 13, lines 10-40. However, the cited section of Terasawa merely describes a memory that stores the channel number of the last channel received immediately before the power is turned off so that when the power is subsequently turned on, the same channel as the last channel received is again received. That is, when the power is turned on, an image from whatever program is currently being broadcast on that channel received is now displayed. The cited sections of Terasawa do not disclose or suggest that at a time when a power source is subsequently turned on, an image from a predetermined program is displayed as an initial image. Likewise, the cited sections of Terasawa do not disclose or suggest that a program guide is displayed at such a time.

Therefore, the cited sections of Terasawa do not disclose or suggest:

a display controller operable, at a time when the power source is subsequently turned on, to display the program guide or an image from a predetermined program as an initial image based on the stored information

as called for in claim 1. (Emphasis added.)

It follows that Terasawa does not disclose or suggest the combination called for in claim 1 and therefore does not anticipate the claim.

Claim 2 depends from claim 1 and is therefore distinguishable over the cited art for at least the same reasons.

Independent claim 3 includes limitations similar to those set out above regarding claim 1. It follows that claim 3 is patentably distinguishable over Terasawa for at least the same reasons.

Claim 4 depends from claim 3, and for at least the same reasons, is also distinguishable over the cited reference.

Applicant therefore respectfully requests the withdrawal of the rejection under 35 U.S.C. § 102(e).

Applicant also notes that Terasawa is assigned to Sony Corporation, the assignee of the present application, and that the Terasawa patent was owned by Sony Corporation at the time of the invention that is disclosed and claimed in the present application. It is therefore submitted that Terasawa would be disqualified from being relied on as prior art in an obviousness rejection. See 35 U.S.C. § 103(c).

New claims 5-8 depend from claim 1, and new claims 9-12 depend from claim 3. Therefore, each of new claims 5-12 is distinguishable over the cited art for at least the same reasons as the claim from which it depends. Support for new claims 5-12 is found, e.g., in FIG. 24 and in ¶¶ [0122]-[0126] of the specification.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 27, 2006

Respectfully submitted,

By 

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